

MACK MOZIAH GARVEY a/k/a
DAVID M. PERKINS,

Petitioner,

VS.

RICHARD G. CALLAHAN,

Respondent.

No. 4:12-CV-2186-AGF

MEMORANDUM AND ORDER

This matter is before the Court upon petitioner's application for leave to commence this action without payment of the required filing fee [Doc. #4]. Upon consideration of the financial information provided with the application, the Court finds that petitioner is financially unable to pay any portion of the filing fee, and therefore, the motion will be granted.

The Court notes that petitioner’s petition for writ of habeas corpus under 28 U.S.C. § 2254 [Doc. #1] has not been filed on a court-provided form. Both this Court’s Local Rule 2.06(A) and Rule 2(c) of the Rules Governing Section 2254 Cases in the United States District Courts give this Court the authority to order petitioner to amend his petition by filing it on a court-provided form. Because the manner in which

the instant petition is drafted makes it difficult to review, the Court will order petitioner to file an amended petition on a court-provided form.

Therefore,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [Doc. #4] is **GRANTED**.

IT IS FURTHER ORDERED that that the Clerk of Court shall forward to petitioner, with a copy of this Order, the court-provided form for filing a "Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" (AO Form 241).

IT IS FURTHER ORDERED that petitioner shall complete this form in its entirety and return it within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that if petitioner fails to complete and return this form petition within thirty days, the Court will dismiss this action without prejudice and without further notice to him.

IT IS FURTHER ORDERED that the Clerk shall docket this case as *Mack Moziah Garvey a/k/a David M. Perkins v. Richard G. Callahan*.

Dated this 12th day of December, 2012.


UNITED STATES DISTRICT JUDGE